



*County of Bernalillo*  
*State of New Mexico*

*Planning and Development Services*  
*111 Union Square SE, Suite 100*  
*Albuquerque, New Mexico 87102*  
*Office: (505) 314-0350*  
[www.berncogov/zoning-building-and-planning/](http://www.berncogov/zoning-building-and-planning/)

**NOTICE OF APPEAL**  
**Corrected**  
**December 31, 2014**

**COMMISSIONERS**

**Debbie O'Malley, Chair**  
District 1

**Art De La Cruz, Vice Chair**  
District 2

**Maggie Hart Stebbins, Member**  
District 3

**Lonnie C. Talbert, Member**  
District 4

**Wayne A. Johnson, Member**  
District 5

**COUNTY MANAGER**

**Tom Zdunek**

**ELECTED OFFICIALS**

**Tanya R. Giddings**  
Assessor

**Maggie Toulouse Oliver**  
Clerk

**Willow Misty Parks**  
Probate Judge

**Dan Houston**  
Sheriff

**Manny Ortiz**  
Treasurer

To Whom It May Concern:

The following appeal has been filed with the Bernalillo County Planning and Development Services:

**APPEAL NO: ZCOA2015-0005 ORIGINAL CASE NO: SPR-20130004**

**APPELLANT: Name: Western Albuquerque Land Holding LLC**

**Address: 6991 E. Camelback Road, Suite B297, Scottsdale, AZ 85251**

**REASON FOR APPEAL: See Attached**

**SCHEDULED FOR PUBLIC HEARING BEFORE THE BOARD OF COUNTY COMMISSIONERS ON:**

Thursday, February 19, 2015 at 1:30 P.M., at the Vincent E. Griego Chambers, Concourse Level II, One Civic Plaza, NW.

You and all other interested parties are invited and urged to be present at this hearing.

Applicants, agents and those in support or opposition to a request are now required to submit all evidence and presentation materials to the Board of County Commissioners (BCC) through the staff.

**Es necesario traer un interprete si no habla ingles o puede llamar a Miriam Aguilar al 314-0369.**

If you have any questions, please do not hesitate to contact me at 314-0385.

Sincerely,

  
**Enrico Gradi**  
Community Development Manager

EG/fs

cc: File

Kevin Grovet, Public Work

Christi L. Tanner, Public Works

New Mexico Environment Law Center, 1405 Luisa St. #5, Santa Fe, NM 87505

Consensus Planning, 302 8<sup>th</sup> St NW, Albuquerque, NM 87102

Rodey Law Firm, John P. Salazar, P.O. Box 1888, Albuquerque, NM 87103

Southwest Organizing Project, 211 10<sup>th</sup> St. SW, Albuquerque, NM 87102

Albuquerque Public Schools, Brad Winter, P.O. Box 25704, Albuquerque, NM 87125

Melinda Taber, USDOT/FAA,

Real Estate and Utilities Group, ASW-53, 2601 Meacham Blvd., FT. Worth, TX 76137

Carol and Gilbert Perez, 4621 Spring Valley SW, Albuquerque, NM 87105

Rudy and Angel Garcia, 1200 Don Francison PL. NW, Albuquerque, NM 87105

Charles W. Travelstem, 6100 Buffalo Grass Ct. NE, Albuquerque, NM 87111

Frank Sanchez, 609 Briar Rd., Bellingham, WA 98225

Ruben Marquez, 2927 Cubrul Tr. SW, Albuquerque, NM 87121

Claus Zahn, 9 Dama Rd., Los Lunas, NM 87031

Toan Luong, 1835 Shadow Leader SE, Albuquerque, NM 87123

James Thomas, 2641 San Mateo NE, Albuquerque, NM 87110

Lynette Gallegos, 8623 Bouvandie Ave. NW, Albuquerque, NM 87120

Gary Bernier, 3604 Silver Ave. SE, Albuquerque, NM 87109

Carlos Profit, 5805 Coors Blvd. SW, Albuquerque, NM 87121

Alicia Kassa, 5609 Kimberlite Dr. NW, Albuquerque, NM 87120

Richard Austin, 8423 Mendocino, Dr. NE, Albuquerque, NM 87122

Rod Mahoney, 1838 Sadora Rd. SW, Albuquerque, NM 87105

Andrew Gingerich, MRCOG, 809 Copper Ave, NW, Albuquerque, NM 87102

Marisol Archuleta, 3615 Big Cottonwood Dr. SW, Albuquerque, NM 87105

Diane Reese, 1620 Bernard Thomas Lane SW, Albuquerque, NM 87105

Michael Reed, 2401 Black Mesa Loop SW, Albuquerque, NM 87105

Nathan Perez, 2250 Hyde Street, San Francisco, CA 94109

Zoe Economou, 214 Riverside Dr. SW, Albuquerque, NM 87105

Marcia Fernandez and Rip Anderson, 2401 Violet SW, Albuquerque, NM 87105

Senoria Garcia, 1923 Arenal Rd. SW, Albuquerque, NM 87105

Phillip Kleh, 803 Vassar Dr. SE, Albuquerque, NM 87106

Conrad Zahn, 9 Dama Rd., Los Lunas, NM 87031

Adam Rubinstein, 1431 ½ La Vega SW, Albuquerque, NM 87105

Jay Phelan, 545 Shirk Ln. SW, Albuquerque, NM 87105

Donald L. Hall, 9101 Lagrima de Orone NE, Albuquerque, NM 87111

Lauro Silva, 5005 5<sup>th</sup> St SW, Albuquerque, NM 87105

Pat McCraw, 3301-R Coors #296, Albuquerque, NM 87121

Jerome Padilla, 3408 Calle Facio NW, Albuquerque, NM 87104

Sara Juarez, 933 Nashville SW, Albuquerque, NM 87105

Roberto Roibal, 2233 Don Felipe Rd. SW, Albuquerque, NM 87105

Juan Reynosa, 211 10<sup>th</sup> St SW, Albuquerque, NM 87102

James Santiago Maestas, 5734 Evans Rd. SW, Albuquerque, NM 87105

Virginia Neochea, 1212 Montrose SW, Albuquerque, NM 87105

Jorge Garica, 1212 Montrose Pl. SW, Albuquerque, NM 87105  
Joe Berumen, 11930 Central SW, Albuquerque, NM 87121  
Renee Horvath, 5515 Palomino Dr. NE, Albuquerque, NM 87120  
Pablo and Andrea Lopez, 1843 Five Points Rd. SW, Albuquerque, NM 87105  
Peter Eschman, 1916 Conita Real Ave. SW, Albuquerque, NM 87105  
Elaine Hebard, 1513 Escalante SW, Albuquerque, NM 87104  
Susan Elliott, 2231 Lakeview Rd. SW, Albuquerque, NM 87105  
Julie Stephens, 4800 Congress NW, Albuquerque, NM 87114  
Town of Atrisco Grant, Jerome Padilla, 2708 Rosendo Garcia SW, Atrisco, New Mexico 87105  
Jerry Gallegos, 6013 Sunset Gardens SW, Albuquerque, NM 87121  
Dave D. Meinke, 1826 Poplar Lane SW, Bldg #2, Albuquerque, NM 87105  
Jose and Flora Sanchez, 5838 Isleta Blvd. SW, Albuquerque, NM 87105  
Tomasita Espinoza, P.O. Box 72465, Albuquerque, NM 87195  
Sylvia Diaz-Donville, P.O. Box 7143, Albuquerque, NM 87194  
Onesimus Al-Amin, 6135 Full Moon Ave. NW, Albuquerque, NM 87114  
Sisto Abeyta, 2140 Margo Rd. SW, Albuquerque, NM 87105  
Joseph A. Wasson Jr. and Sandra Salas Wasson, 2948 Joe Sanchez SW, Albuquerque, NM 87105  
Bradley Conway, 2105 Gold Ave. SE, Albuquerque, NM 87106  
Janice Varela, 805 Early St., Santa Fe, NM 87505  
Pilar Trujillo, P.O. Box 1026, Chimayo, NM 87522  
Erin Callahan, 507 Bryn Mawr Dr. SE, Albuquerque, NM 87106  
Janelle Astorga, 1912 John St. SE, Albuquerque, NM 87102  
Justice Irons, 2512 Los Padilla Rd. SW, Albuquerque, NM 87105  
Ray Baca, P.O. Box 65808, Albuquerque, NM 87193  
Vanessa Alarid, 544 61<sup>st</sup>. NW, Albuquerque, NM 87105  
Nathan Perez, 2250 Hyde St, 5<sup>th</sup> floor, San Francisco, CA 94117  
Matt Butcher, 6991 E. Camelback Rd. B-297, Scottsdale, AZ 85251  
Col. Robert F. Cunningham & Kathryn Malone, 1826 Poplar Lane SW, Albuquerque, NM 87105  
Andres Lazo, 3220 Grasshopper Dr. SW, Albuquerque, NM 87121  
Jacque Garcia, 7424 Euclid Ave. NE, Albuquerque, NM 87110  
Travis McKenzie, 415 Thaxton Ave. SE, Albuquerque, NM 87108  
Michelle Meaders, 4047 Anderson Ave. SE, Albuquerque, NM 87108  
Jack L. and Margie Mortley, 2830 Rio Bravo SW, Albuquerque, NM 87105  
John Garcia, 4100 Wolcott NE, #B, Albuquerque, NM 87109  
Susan Selbin, 2431 Northwest Cir. NW, Albuquerque, NM 87104  
Kyle Harwood, 1660 A Old Pecos Trail, Santa FE, 87505  
Bea Aragon, 6021 Beck Road SW, Albuquerque, NM 87105  
Paul Silverman/Erin Muffoetto, 115 Gold Ave. SW, #115, Albuquerque, NM 87102  
James Topmiller, 7500 Jefferson NE, Albuquerque, NM 87109  
Jeff Gavvett, 1130 Laves Eve NW, Albuquerque, NM 87114  
Brad Lagorio, 2405 Meadow Rd. SW, Albuquerque, NM 87105  
Candelaria Patterson, 7608 Elderwood NW, Albuquerque, NM 87120  
Andres Romero, 7411 Isleta SW, Albuquerque, NM 87105  
Laurel E. Drew, 1905 Gun Club Rd. SW, Albuquerque, NM 87105  
Susanne Bronon, 300 Tulave Pl. NE, Albuquerque, NM 87106  
Jean Merriman, 1816 Van Court SW, Albuquerque, NM 87105

Louis Head, 802 Headingly Ave. NW, Albuquerque, NM 87107  
Emma Sandoval, 1128 18<sup>th</sup> St NW, Albuquerque, NM 87104  
Juan Reynosa, 211 10<sup>th</sup> St. SW, Albuquerque, NM 87102  
Senator Linda M. Lopez, 9132 Suncrest SW, Albuquerque, NM 87121  
Kristine Suozzi, 1312 Bryn Mawr NE, Albuquerque, NM 87106  
Jacque Garcia, 7424 Euclid Ave. NE, Albuquerque, NM 87110  
Monica Trujillo, 561 Coronado Dr., Bernalillo, NM 87004  
Maria Gallegos, 6939 Via del Cerro NE, Albuquerque, NM 87113  
James Chavez, 2708 Rosendo Garica SW, Albuquerque, NM 87105  
Dustin Chavez-Davis, 611 Leas Ave SW, #708, Albuquerque, NM 87102  
Daniel Michel, 423 11<sup>th</sup> ST. SW, Albuquerque, NM 87102  
Bradie Mitchell, 6517 Mesa Solana Pl. NW, Albuquerque, NM 87120  
Adrian N. Carver, 433 Carlisle Blvd. NE, Albuquerque, NM 87106  
Vicente Garcia, 370 Atrisco Ave. SW, Albuquerque, NM 87105  
Loren Gomez, 2700 Rosendo Garcia SW, Albuquerque, NM 87105  
Javier Benavidez, 1115 Barelas SW, Albuquerque, NM 87102  
Matthew and David Esparza, P.O. Box 3932, Albuquerque, NM 87190  
Bill Chappell, 6001 Indian School Rd. NE, #150, Albuquerque, NM 87110  
Jeff Garrett, 6991 E. Camelback Rd. B-297, Scottsdale, AZ 85251  
Paul Duran, 2409 Metzgar SW, Albuquerque, NM 87105  
Isaac Benton, City Council, One Civic Plaza, Albuquerque, NM 87102  
Alan Reed, 3105 Don Quixote Ct. NW, Albuquerque, NM 87104  
Camilla Feibelman, 524 Dartmouth Pl. SE, Albuquerque, NM 87106  
Luther C. Garcia, 7904 Coors Blvd. SW, Albuquerque, NM 87121  
Rob Leutheuser, 1550 Yakima SW, Albuquerque, NM 87105  
Roxanne Allen, 1004 Manzano Ct. NW, Albuquerque, NM 87102  
Alexander, Snyder, 1902 Conita Real SW, Albuquerque, NM 87105  
David Vogel, 601 Aliso Dr. SE, Albuquerque, NM 87105  
Fernando Ortega and Lucinda Johnson, 1210 Bareles Rd. SW, Albuquerque, NM 87102  
Greg Tucker and Carol Cooperrider, 1915 Lakeview SW, Albuquerque, NM 87105  
Carol Bennson, 1749 Miracerros Pl. NE, Albuquerque, NM 87106  
Kelly O'Donnell, 1473 W Ella Dr. Corrales, NM 87048  
Tomas Atencio Pacheco, 2128 Lakeview Rd. SW, Albuquerque, NM 87105  
Janet Greenwald, 215 Hartline SW, Albuquerque, NM 87105  
Marilyn Baner, 2109 Lakeview SW, Albuquerque, NM 87105  
Sara Keeney, 1112 La Font Rd. SW, Albuquerque, NM 87105  
Jimmy Pettitt, 1321 Jeanette SW, Albuquerque, NM 87105  
Marla Painter, 506 Valley High SW, Albuquerque, NM 87105  
Eleanor Chavez, 1307 Del Mastro SW, Albuquerque, NM 87105  
Monica Trujillo, 625 Silver Ave, NE, Albuquerque, NM 87102  
Tatiana Ruiz, 620 Cordero Rd. NE, Albuquerque, NM 87102  
Giselle Fierro, 2326 Felicitas SW, Albuquerque, NM 87105  
Alfred Delgado, 5500 Valle Vista Rd. SW, Albuquerque, NM 87105  
Sean-Paul VonAncken, 1609 Silver SE, Albuquerque, NM 87106  
Tom Gevsz, 124 Edith Blvd. SE, Albuquerque, NM 87102  
Andrea Serrano, 411 Bellamah Ave. NW, Albuquerque, NM 87102

John Varsa, 609 Encino Pl. NE, Albuquerque, NM 87102

Sally Bergen, 1908 Caayno de Compania NW, Albuquerque, NM 87107

Peter Hebard, 1513 Escalante Ave. SW, Albuquerque, NM 87104

Rita Daniels, 800 Alvarado Dr. SE, Albuquerque, NM 87108



**County of Bernalillo**  
**State of New Mexico**

Planning & Development Services  
111 Union Square SE, Suite 100  
Albuquerque, New Mexico 87102  
(505) 314-0350

**APPLICATION**

**SITE ADDRESS/LOCATION**

0 NA, \*\*\*\*DO NOT EDIT\*\*\*\*

**PERMIT NO:** ZCOA2015-0005

**Printed:** December 18, 2014

**PROPERTY OWNER**

WESTERN ALBUQ LAND HOLDINGS LL  
PO BOX 56790  
ALBUQUERQUE, NM 87187

**UPC**

100205525821640201

**LEGAL DESCRIPTION**

TR 210 ROW 1 UNIT B WEST OF  
WESTLAND LESS POR OUT TO R/W CON  
T 3.62 AC ~~& OTHERS INCLUDING THE SITE~~

**AGENT**


**Fees Paid:** \$100.00

**Description:** Appeal of SPR-20130004

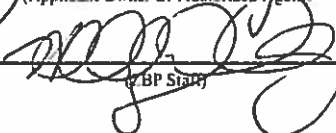
**AGENT:** Rodey Law Firm (John Salazar)

**I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS DOCUMENT AND  
KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND  
ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH  
WHETHER SPECIFIED HEREIN OR NOT. GRANTING OF A PERMIT DOES NOT  
PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF  
ANY OTHER STATE OR LOCAL LAW REGULATING LAND USE.**

**Signature:**

  
\_\_\_\_\_  
(Applicant Owner Or Authorized Agent)

**Approved By:**

  
\_\_\_\_\_  
(BP Stamp)

12/18/14  
\_\_\_\_\_  
Date

12/18/2014  
\_\_\_\_\_  
Date



***County of Bernalillo***

***State of New Mexico***

**Planning & Development Services**

**111 Union Square SE, Suite 100**

**Albuquerque, New Mexico 87102**

**(505) 314-0350**

**APPLICATION**

**FOR INFORMATION CALL (505) 314-0350**

**Hearing Date: 2/19/2015**

**Sign Posting Date(s) From: 2/4/2015 To: 3/6/2015**

## BERNALILLO COUNTY

Planning & Development Services  
111 Union Square SE, Suite 100  
Albuquerque, NM 87102  
(505) 314-0350 Fax: (505) 314-0480  
www.bernco.gov



### SIGN POSTING INSTRUCTIONS

#### SIGN POSTING INSTRUCTIONS

As required by the Comprehensive Zoning Ordinance of Bernalillo County, persons scheduled for hearing are required to post and maintain one or more signs on their property to assist in advertising the application and describing its purpose. Applicants, or their agents, will receive their signs at the time their application is filed.

#### 1. LOCATION

- Signs shall be conspicuously located on the property and within twenty (20) feet of any property line that abuts a street. Signs must be placed at the edge of the property closest to the street if the property does not abut a street.
- The face of the sign shall be parallel to the street. The bottom of edge of the sign shall be at least two (2) feet, but not more than seven (7) feet, above grade.
- No barrier shall prevent a person from coming within five (5) feet of the sign in order to read it.

#### 2. NUMBER

- A sign shall be placed on each street frontage abutting the subject property.
- If the property does not abut a street, a sign must be placed at the edge of the property nearest the public street.

#### 3. DURATION OF POSTING

- Signs are to be posted 15 days before and after the hearing date.
- Failure to properly post and maintain the sign(s) is grounds for deferral or denial of the request.

#### *Posting Suggestions:*

*Heavy stakes with crossbar supports or plywood backing typically works best to keep the sign in place, especially during high winds. Signs will tear less easily if they are attached to the support system with large-headed nails or staples.*

I acknowledge that I have read and understand the "Sign Posting Instructions". I also understand my obligation to post the provided signs for the required period of time, as well as their proper posting location(s).

Signature of applicant / agent

Date

\*APPLICANTS / AGENTS WILL RECEIVE A COPY OF THIS DOCUMENT

Staff:

Number of signs issued:

Case number: Z- COA 2015-0005

SIGNS MUST BE POSTED FROM

2/4/2015

TO

3/6/2015

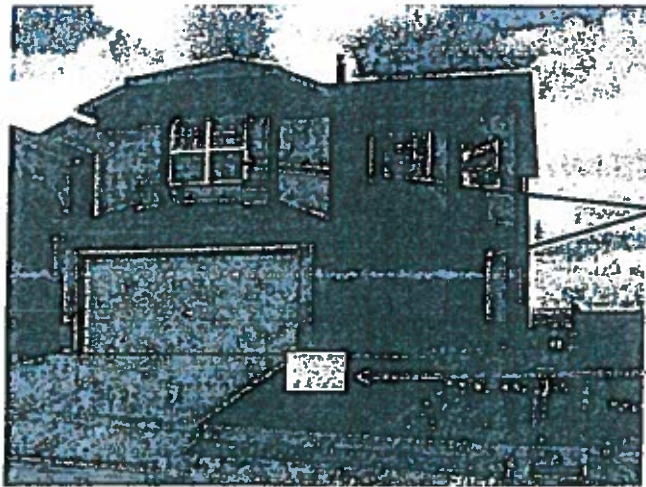
THE SCHEDULED PUBLIC HEARING FOR THIS REQUEST WILL BE HELD ON

2/19/2015

@ 1:30 PM



## Sign Posting Examples



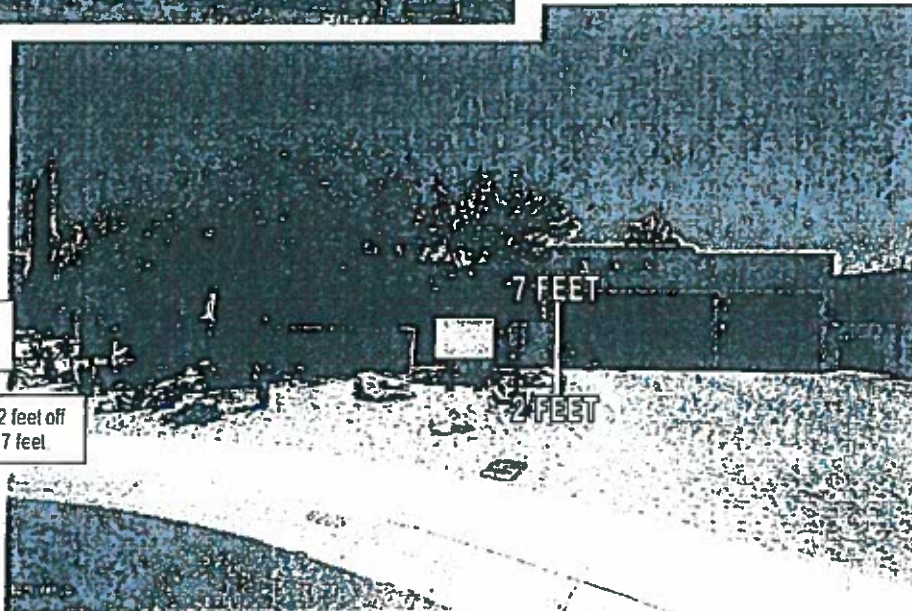
Signs are required to be conspicuously located on the property. People should be able to easily read the sign from the street.

**NO**

Don't post the sign in a window or on the front porch. Make sure the sign is easily noticed to properly advertise the request.

**YES**

Signs are required to be within 20 feet of the property line.



Signs are required to face the street (be parallel to the road).

Signs should be posted at least 2 feet off the ground, but no higher than 7 feet.



Properties with a wall, fence, hedge, or other feature which is located between your property line and the sign, it's best to post the sign on the outside of the feature so that all interested parties can easily notice and read the sign.

No barrier can be located between the sign and the property line which would prevent a person from coming within 5 feet of the sign.

Properties facing with more than one street (including private drives, access easements and public rights-of-way) are required to have at least one sign along each street frontage.

MARK K. ADAMS  
BRUCE HALL  
JOHN P. SALAZAR  
JOHN P. BURTON  
CATHERINE T. GOLDBERG  
EDWARD RICCO  
W. MARK MOWERY  
PATRICK M. SHAY  
ELLEN T. SKRAK  
HENRY M. BOHNHOFF  
CHARLES K. PURCELL  
ANDREW G. SCHULTZ  
SCOTT D. GORDON  
NELSON FRANGE  
THERESA W. PARRISH  
PAUL R. KOLLER  
CHARLES J. VIGIL  
THOMAS L. STAHL  
DAVID W. BUNTING  
LESLIE MCCARTHY APODACA  
JEFFREY M. CROASDELL  
SUNNY J. NIXON  
JEFFREY L. LOWRY  
R. TRACY SPROULS  
DONALD B. MONNHEIMER  
ALAN HALL  
THOMAS A. OUTLER  
SETH L. SPARKS  
LISA CHAVEZ ORTEGA  
JOCELYN C. DRENNAN

MICHAEL J. BRESCIA  
AARON C. VIETS  
KURT B. GILBERT  
RICK BEITLER  
JUSTIN A. HORWITZ  
SANDRA L. BEERLE  
JENNIFER L. STONE  
VALERIE REIGHARD DENTON  
BRENDA M. SAIZ  
BRIAN P. BRACK  
TODD E. RINNER  
CHARLES R. HUGHSON  
JOSE R. BLANTON  
CRISTINA A. ADAMS  
MICHAEL E. KAEMPER  
MARGOT A. HEFLICK  
KRYSTLE A. THOMAS  
GLENN A. BEARD  
ROBERT L. LUCERO  
TYLER M. CUFF  
KEVIN J. BANVILLE  
DENISE M. CHANEZ  
ROBERT J. SANCHEZ  
MELANIE B. STAMBAUGH  
STEPHEN R. MARSHALL  
SHAWN M. SHERRELL  
RICHARD E. HATCH  
JESSICA R. TERRAZAS  
TARA L. EDMON  
MATTHEW M. BECK

**RODEY, DICKASON, SLOAN, AKIN & ROBB, P. A.**

**ATTORNEYS AT LAW**  
201 THIRD STREET NW, SUITE 2200  
ALBUQUERQUE, NEW MEXICO 87102

P.O. BOX 1888  
ALBUQUERQUE, NEW MEXICO 87103  
**WWW.RODEY.COM**

**TELEPHONE (505) 765-5900**  
**FACSIMILE (505) 768-7395**

**OF COUNSEL**  
ROBERT M. ST. JOHN  
RICHARD C. MINZNER  
JO SEXTON BRAYER  
DEWITT M. MORGAN  
JULIE P. NEERKEN  
CHARLES A. SEIBERT III  
CYNTHIA A. LOEHR  
PERRY E. BENDICKSEN II  
JOHN N. PATTERSON  
DAVID P. BUCHHOLTZ

BERNARD S. RODEY (1856-1927)  
PEARCE C. RODEY (1889-1958)  
DON L. DICKASON (1906-1999)  
WILLIAM A. SLOAN (1910-1993)  
JACKSON G. AKIN (1919-2010)  
JOHN D. ROBB (1924-2014)

**SANTA FE OFFICE**  
119 EAST MARCY STREET, SUITE 200  
SANTA FE, NEW MEXICO 87501-2046  
P.O. BOX 1357  
SANTA FE, NEW MEXICO 87504-1357  
TELEPHONE (505) 954-3900  
FACSIMILE (505) 954-3942

**WRITER'S DIRECT NUMBER**  
(505) 768-7220

**JSALAZAR@RODEY.COM**

December 18, 2014

**Via Hand Delivery**

Bernalillo County Commission  
c/o Bernalillo County Planning Department  
111 Union Square SE, Suite 100  
Albuquerque, NM 87102

**Re: Western Albuquerque Land Holdings LLC**  
**SPR-20130004 / Appeal of Certain Findings and Portions of Findings and Certain**  
**Conditions and Portions of Conditions Adopted on December 3, 2014, by the**  
**County Planning Commission in Connection With its Recommendation of Approval**  
**of the Santolina Level A Community Master Plan**

Gentlemen:

We attach herewith the referenced appeal of Western Albuquerque Land Holdings LLC in the above-referenced matter. This appeal is being submitted on the 18<sup>th</sup> day of December 2014 pursuant to and in accordance with the provisions of the Bernalillo County Zoning Ordinance, which provides at Section 25.E (Appeals) that:

Appeal of any denial or approval of an application by the Bernalillo County Planning Commission must be submitted in writing to the Board of County Commissioners by noon on the 15<sup>th</sup> day after the date of the determination by the Bernalillo County Planning Commission.

We understand the date of the determination made by the Bernalillo County Planning Commission to be December 3, 2014. Therefore, the expiration of the appeal period would be noon today, December 18, 2014.

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

Bernalillo County Commission  
c/o Bernalillo County Planning Department  
December 18, 2014  
Page 2

We trust that we have complied with the appeal deadline provisions of the Bernalillo County Zoning Ordinance.

Thank you for accepting our appeal and for your consideration therewith.

Sincerely,

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By:

  
John P. Salazar

JPS:dv

Enclosure

cc (w/ enc.):

Western Albuquerque Land Holdings LLC

WESTERN ALBUQUERQUE LAND HOLDINGS LLC  
c/o Barclays Capital Real Estate Inc., as Servicing Member  
745 Seventh Avenue  
New York, NY 10019

December 10, 2014

Bernalillo County  
One Civic Plaza NW  
Albuquerque, NM 87103

Re: Letter of Authorization for Entitlement & Permit Applications for the Santolina Master Plan area  
("Property")

To Whom it May Concern:

Western Albuquerque Land Holdings LLC, a Delaware limited liability company ("WALH"), hereby authorizes John P. Salazar of the Rodey, Dickason, Sloan, Akin and Robb, P.A. to obtain information and submit entitlement and permit applications for the above referenced Property, and act as WALH's agent for the limited purpose of entitling, permitting and subdividing the above referenced Property owned by WALH. Any acts with respect to other property owned by WALH shall require a separate authorization letter.

Sincerely,

WESTERN ALBUQUERQUE LAND HOLDINGS LLC

By: Barclays Capital Real Estate Inc., as Servicing Member

By:

  
Mary Wuest, Director - UCE 21521027

Notice address re: this Property:

Western Albuquerque Land Holdings LLC  
C/O Garrett Development Corporation  
6991 E. Camelback Road, Suite B297  
Scottsdale, Arizona 85251  
Phone: 480-970-4001  
Email: jeff@gdc-az.com

# BERNALILLO COUNTY

Planning & Development Services  
111 Union Square SE, Suite 100  
Albuquerque, NM 87102  
(505) 314-0350 Fax: (505) 314-0480  
www.bermco.gov



## ZONING SECTION

### APPEAL TO COUNTY COMMISSION

Application Date: 12/18/2015  
Application Number: ZCOA2015-0005  
Hearing Date: 2/19/2016

OWNER/ APPLICANT FOR LAND USE REQUEST Western Albuquerque Land Holdings LLC		PHONE (480) 970-4001
MAILING ADDRESS 6991 E. Camelback Road, Suite B297	CITY Scottsdale, AZ	ZIP 85251

AGENT (FOR APPELLANT) Rodey Law Firm (John P. Salazar)		PHONE (505) 768-7220
MAILING ADDRESS P.O. Box 1888	CITY Albuquerque	ZIP 87103-1888

APPELLANT Western Albuquerque Land Holdings LLC		PHONE (480) 970-4001
MAILING ADDRESS 6991 E. Camelback Road, Suite B297	CITY Scottsdale, AZ	ZIP 85251

SITE ADDRESS South of I-40, west of 118th Street, east of Rio Puerco Valley, north of Pajarito Mesa	Case # SPR-20130004
--	------------------------

DIRECTIONS South of I-40, west of 118th Street, east of Rio Puerco Valley, north of Pajarito Mesa
--

LEGAL DESCRIPTION See <u>Attachment 1</u> .		
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ZONE MAP PAGE L1-L8; M1-M8; N1-N8; P1-P9; and Q1-Q9	CURRENT Primarily A-1 ZONE(S) Some M-1, C-LI, C-1	PROPERTY SIZE IN ACREAGE approximately 13,851
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UPC # See <u>Attachment 2</u> .	PROPOSED ZONE(S) PC	SUBDIVISION NAME Santolina
------------------------------------	------------------------	-------------------------------

**CASE # & SCOPE OF APPEAL** Case No. SPR-20130004. This is an appeal of certain Findings and portions of Findings and certain Conditions and portions of Conditions adopted on December 3, 2014, by the County Planning Commission in connection with its recommendation of approval of the Santolina Level A Community Master Plan.

**DETAILED INFORMATION** See Attachment 3, which sets forth the reasons for objections to specified Findings and portions of Findings and specified Conditions and portions of Conditions adopted on December 3, 2014, by the County Planning Commission in connection with its recommendation of approval of the Santolina Level A Community Master Plan. Attachment 4 is a redline document which indicates Santolina proposed revisions to the County Planning Commission adopted Findings and Conditions. Attachment 5 is a clean copy of the adopted Findings and Conditions with Santolina proposed revisions incorporated therein.

I hereby acknowledge that I have read this entire application and affirm that all of the provided information is correct. I agree to comply with the requirements of Bernalillo County and the State of New Mexico as outlined in all applicable laws, ordinances and regulations.

Rodey Law Firm, Agent for Owner/Applicant  
by: John P. Salazar  
Printed Name

Signature

A handwritten signature in black ink, appearing to read "John P. Salazar", written over a horizontal line.

12/18/2014  
Date

## **LEGAL DESCRIPTION**

Projected sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16 & 17, T9N, R1E and sections 6, 7, 8, 16, 17, & 18, T9N, R2E and sections 32, 33, 34, 35, & 36, T10N, R1E and sections 30 & 31, T9N, R2E, N.M.P.M., Town of Atrisco Grant, Albuquerque, Bernalillo County, New Mexico and containing and approximately 13,851 acres, generally zoned A-1 Rural Agricultural.



## UPC NUMBERS

1	1 002 055 258 216 40201	41	1 005 055 261 264 10144
2	1 002 054 261 264 10143	42	1 005 055 222 500 20302
3	1 003 055 473 354 10206	43	1 007 056 032 156 30201
4	1 005 054 264 265 40143	44	1 007 053 101 170 30103
5	1 009 052 028 351 20108	45	1 004 055 423 444 10202
6	1 009 052 046 489 20709	46	1 002 055 049 147 30102
7	1 003 055 187 302 20302	47	1 005 056 305 029 40104
8	1 008 053 130 335 10144	48	1 007 053 253 250 40144
9	1 004 055 314 424 10102	49	1 003 052 263 351 10144
10	1 001 053 459 394 10111	50	1 006 055 148 262 20101
11	1 008 053 370 040 40201	51	1 005 055 247 502 20304
12	1 003 055 166 298 20301	52	1 004 055 160 396 20205
13	1 005 056 417 010 40201	53	1 003 055 427 346 10204
14	1 009 052 009 244 30204	54	1 002 055 111 163 30104
15	1 007 052 266 358 10143	55	1 003 055 445 350 10205
16	1 006 055 377 313 10120	56	1 006 054 384 264 10143
17	1 004 055 293 420 10101	57	1 002 055 516 272 40403
18	1 003 055 284 148 40145	58	1 004 055 334 428 10103
19	1 007 056 500 175 40625	59	1 002 055 430 253 40305
20	1 009 052 029 245 30208	60	1 007 056 280 224 40803
21	1 001 054 459 265 10110	61	1 007 056 326 235 40805
22	1 007 056 340 090 40120	62	1 004 055 139 392 20204
23	1 007 056 353 243 40201	63	1 005 055 263 509 20305
24	1 008 052 200 340 10131	64	1 002 055 017 150 30101
25	1 006 052 275 359 10143	65	1 006 053 355 446 10201
26	1 007 053 262 450 10142	66	1 004 055 118 388 20203
27	1 008 053 160 160 30101	67	1 003 053 262 265 10144
28	1 006 056 518 025 40144	68	1 001 055 508 142 40248
29	1 005 055 331 520 10102	69	1 004 054 262 265 10143
30	1 004 055 290 232 40143	70	1 007 056 053 160 30202
31	1 009 052 047 352 20112	71	1 003 054 262 265 10144
32	1 009 052 050 245 30212	72	1 002 052 318 452 10135
33	1 007 054 260 255 10143	73	1 005 055 313 512 10101
34	1 006 054 104 264 20101	74	1 003 055 118 289 20204
35	1 006 053 261 264 10144	75	1 002 055 069 153 30103
36	1 005 052 240 359 20143	76	1 005 053 261 265 10144
37	1 003 055 030 273 20102	77	1 007 056 072 166 30203
38	1 003 055 406 342 10203	78	1 002 055 297 118 40119
39	1 006 055 416 133 40101	79	1 004 053 242 275 20141
40	1 007 055 260 270 10144	80	1 004 052 263 332 20143

## ATTACHMENT 2

**Western Albuquerque Land Holdings, LLC (Santolina) Objections to Specified County  
Planning Commission Findings and Conditions Adopted in Connection With the County  
Planning Commission Adoption of the Santolina Level A Community Master Plan**

**FINDINGS**

Santolina objects to the following Findings or portions of Findings for the reasons specified:

1. That **portion of Finding #4** which provides that:

The overall gross residential density of the Santolina Community shall not exceed 2.7 dwelling units per acre, as specified in the Level A Plan.

**Reason for Objection:** The Albuquerque / Bernalillo County Comprehensive Plan (the “**Comprehensive Plan**”) allows a maximum density of 3 dwelling units per gross acre in the Reserve Area. Santolina is located within the Reserve Area of the Comprehensive Plan. While Santolina is not presently planning to develop to a density of 3 dwelling units per gross acre, Santolina should not be precluded from doing so, should conditions subsequently warrant an increase in density. Santolina’s preferred wording is as follows: “The overall gross residential density of the Santolina community shall not exceed 3.0 dwelling units per gross acre, as provided in the Comprehensive Plan, and as noted in the Level A Master Plan.”

2. **Finding #10** which provides that:

The Santolina Level A Transportation Plan and Land Use Plans recognize the importance of maintaining a reasonable balance between residential uses and employment uses throughout the development of the property. The jobs/housing balance is a critical component of the sustainability of Santolina.

**Reason for Objection:** Finding #10 appears to emphasize and require a constant and consistent balance between residential and employment uses at all times during the development of the Santolina Master Plan area. Santolina believes that it has more appropriately provided for the transportation, residential and employment uses relationship in its proposed Finding #21 which provides that:

The Level A transportation and land use plans maintain a reasonable and important balance between residential uses and employment uses during the development timeframe for the property.

**ATTACHMENT 3**

Page 1 of 9



3. That **portion of Finding #12** which simply states that:

However, there are no concrete assurances that market demand currently exists for the development.

**Reason for Objection:** This portion of Finding #12 is not an appropriate finding. It is not relevant to the land use considerations that were properly before the County Planning Commission, and it simply amounts to an idle observation at best, since there are no concrete assurances that anything will or will not happen in the future.

4. That **portion of Finding #13** which provides that:

... however the method of conveyance and proposed phasing of the conveyance of MPOS has not been identified, or included in the economic impact analysis and must be consistent with the policy of no net expense to the County.

and to that **portion of Finding #15** which provides that:

However, the current version of the economic analysis does not fully account for all the operational expenses of the proposed Parks and Open Space system at full build-out, including the costs of operating community centers, aquatic centers and the full cost of operating parks and open spaces, and therefore is not consistent with the policy of no net expense to the County. Also, in the current version of the Plan and corresponding fiscal analysis, the connection between phasing of development and the phasing of the conveyance and construction of appurtenant recreation and open space facilities is unclear, and therefore it is not possible to determine whether there will be sufficient funds from development to support the construction and operation of recreation facilities to support this development.

**Reason for Objection:** The referenced portions of Findings #13 and #15, which deal with no net expense and revenue and cost considerations, are more appropriately addressed in the required Development Agreement. Furthermore, these referenced portions seem to conflict with other FINDINGS and the FACT that the applicant's consultant, the County's consultant and the opposition's consultant confirmed in their testimony that the Fiscal Analysis for the Level A Santolina Master Plan was POSITIVE and had satisfied the "no net expense" requirement of the PCC. Lastly, the referenced portions refer to an "economic analysis". While the applicant did complete and submit an "economic analysis" that showed large positive economic benefits to the County such analysis is not a requirement of the PCC and by definition an "economic analysis" does not address acquisition, operating and maintenance expenditures referred to in the referenced portions of Findings #13 and #15. As stated in the CPC hearings for Santolina, the applicant has agreed to meet the "no net expense" requirement of the PCC and such commitment is detailed in the Level A Development Agreement submitted by the applicant to the County; therefore the County will have the ability to enforce such "no net expense" obligation.

5. **Finding #14** which provides that:

The current version of the Level A Plan shows major arterials cutting through MPOS, which is not consistent with the purposes, policies, and uses for Major Public Open Space in the Comprehensive Plan or the Major Public Open Space Facility Plan. Several of the proposed roads on the east side of Santolina are consistent with the current draft of the Metropolitan Transportation Plan, and those proposed on the west side of Santolina are not.

**Reason for Objection:** This Finding is critical of the indicated major arterials traversing major public open space. However, the major arterials shown traversing the major public open space were placed at the locations indicated at the request of the Mid-Region Council of Governments (“MRCOG”) and the Bernalillo County Public Works Department (“BCPWD”). Additionally, this Finding conflicts with Finding #11. Therefore, this Finding should be deleted in its entirety.

6. **Finding #21** which provides that:

Bernalillo County has approximately \$450 million dollars in unfunded capital infrastructure facility needs currently in its 2014-2020 Capital Improvement Plan, and the financial impact of Santolina infrastructure development cannot add to this unfunded amount.

**Reason for Objection:** This Finding is not a relevant finding or condition with regard to the consideration or approval of the Santolina Level A Community Master Plan. It is merely an observation which has no bearing on the land use considerations which were properly evaluated in connection with the approval of the Level A Community Master Plan. To the extent it purports to preclude Santolina infrastructure development from being added to the Capital Improvement Plan, it is an inappropriate finding which is punitive in nature and beyond the jurisdiction or authority of the County staff and/or the County Planning Commission. As stated in the CPC hearings for Santolina, the applicant has agreed to meet the “no net expense” requirement of the PCC and such commitment is detailed in the Level A Development Agreement submitted by the applicant to the County; therefore the County will have the ability to enforce such “no net expense” obligation.

### **CONDITIONS**

Santolina objects to the following Conditions or portions of Conditions for the reasons specified:

7. **Condition #1(a)** which indicates that the Development Agreement shall “. . .clearly identifies responsibilities for development of and infrastructure and other facilities in Santolina . . .”

and to that **portion of Condition #2** which provides that:

... whereby the forthcoming Development Agreement shall explicitly state that Bernalillo County is not and never will be financially obligated to pay any net costs for any portion of future roadway, trail, sidewalk, landscaping, storm drainage, water and sewer, park and open space, fiber optic, natural gas, or electrical infrastructure within Santolina's plan boundaries.

and to **Condition #4(a)** which provides that:

The language that clarifies that there shall be no-net expense to the County regarding the funding of transportation improvements associated with the development of Santolina and the removal of all language that releases Santolina from constructing development driven improvements outside the Santolina boundaries must occur in the appropriate Level A document.

and to that **portion of Condition #5** which provides that "The approvals shall itemize financial obligations with participation and commitments spelled out."

and to that **portion of Condition #6** which provides that:

Any additional arterial streets and linkages or additional transportation capacity identified as part of any Level B analysis to be necessary to serve development of Santolina will be the financial responsibility of the developer.

and to that **portion of Condition #14** which provides that:

All capital and operational costs for proposed parks facilities, trails and the open space system shall be identified and included as part of the updated economic analysis prior to the conclusion of the Level A Development Agreement, consistent with the policy of no net expense. The basis for determining the operational costs will be the population of the unincorporated areas of the County, including Santolina, which is the source of service for the County. Any discrepancies in funding levels proposed for parks, recreation and open space facilities in Santolina identified after the approval of the Level A master plan and development agreement shall be addressed in subsequent Level B plans and development agreements. The subsequent Level B development agreements shall identify the method of conveyance and costs/funding of all recreation and open space facilities, as well as responsibilities for jurisdiction, replacement, maintenance, and operations, and these agreements shall also provide mechanisms for resolving issues related to overlapping jurisdictions, e.g., stormwater management and public open space. The method of conveyance for Major Public Open Space and its phasing shall be identified and included in the Level A development agreement.

**Reason for Objection:** None of the above-referenced Conditions or portions of Conditions are appropriate conditions of approval of the Santolina Level A Community Master Plan because none are land use considerations which would properly fall within the scope of appropriate considerations for the County Planning Commission. Further, each of the above-referenced Conditions or portions of Conditions contain provisions which are more appropriately addressed in the Development Agreement.

8. **Condition #1(b)** which requires that the Development Agreement have a link between housing and employment development in Santolina;

and to that **portion of Condition #3** which provides that:

. . . an approximate jobs to housing ratio of 2-1 shall be achieved with a goal of creating no less than 75,000 jobs as indicated in the Level A Santolina Plan at the time of full buildout of Santolina. A mechanism for ensuring the ratio shall be provided in subsequent Level B Plans, such that the anticipated job development shall occur in relation to residential development.

and to **Condition #4(b)** which provides that the transportation plan language shall be revised to clarify:

. . . how the job-to-housing ratio will be monitored, reported, and evaluated during the subsequent Level B submittals for Santolina as it pertains to traffic demands (see page 41). Jobs-to-housing data west of Rio Grande and outside Santolina can be considered in context, provided the data are not located within another master plan area.

**Reason for Objection:** Each of the above-referenced Conditions deals with the jobs-housing relationship in similar but slightly different and somewhat inconsistent ways, and should, therefore, be combined in a single comprehensive condition, as Santolina has proposed in its Condition #4 which provides that:

The development of the Project shall strive to achieve a reasonable balance between residential uses and employment uses such that Santolina maintains the characteristics of a self-sustaining community. Sufficient employment based land shall be made available to provide the opportunity to achieve an approximate jobs to housing ratio of 2-1 thereby creating no less than 75,000 jobs at the time of full buildout of Santolina. Subsequent Level B Plans shall provide appropriate methodology to evaluate interim progress in achieving this goal, such that land for job, commercial and urban development shall be available in the desired relation to residential development to the extent reasonably possible.

9. **Condition #1(d)** which provides that the Development Agreement “. . . shall adhere to water use and conservation requirements of Bernalillo County and the Albuquerque/Bernalillo County Water Utility Authority.”

and to that **portion of Condition #8** which provides that:

The development agreement shall be structured to ensure compliance with the ABCWUA's existing guidelines, policies, and ordinances and as may be amended from time to time. The development agreement will, at a minimum, address residential, industrial, institutional and commercial water conservation provisions, guidelines, and design standards needed to meet the water usage requirements stated in the 29 July 2014 ABCWUA letter. The development agreement will also, at a minimum, address infrastructure improvements, direct and indirect potable reuse, and water supply charges, as well as provide a Phasing Plan consistent with ABCWUA policies. The development agreement shall be structured to ensure that total projected water use at ultimate build out will not exceed 14,380 Ac-Ft/Yr as indicated in Table A of applicants 23 May 2014 memorandum included in the 4 November 2014 revision to the Water Master Plan.

and to **Condition #10** which provides that:

Prior to approval of any subsequent level planning document, the applicant shall provide to the County a water conservation plan that is compliant with Bernalillo County and ABCWUA's guidelines, standards and requirements and which achieves the conservation goals expressed in the Bernalillo County Ordinance and ABCWUA's *2024 Water Conservation Plan Goal and Program Update, July 2013* and which requires compliance with subsequent revisions of the such guidelines, standards, requirements, and plans.

and to that **portion of Condition #11** which provides that:

An agreement between the applicant and ABCWUA and regarding timing, responsibilities, and maintenance of water and sewer facilities required to service Santolina will be developed and agreed upon prior to any Level B approval.

**Reason for Objection:** All of the above referenced Conditions are objected to because each is more properly dealt with in the Development Agreement to be entered into by and between Santolina and the Albuquerque Bernalillo County Water Utility Authority (the "**Authority**"), given that the Authority will be responsible for providing water and wastewater services to Santolina. Matters pertaining to use, reuse and conservation should be governed by the plans, policies and procedures of the Authority.

10. That **portion of Condition #5** which provides that:

Written approval from the NMDOT will be obtained prior to the improvement or expansion of State roads identified in the Level A submittal. NMDOT and FHWA (Federal Highway Administration) review and approval will also be required for any Level B plan defining any required modifications and

improvements to Interstate 40 and to other state facilities as a result of the development of Santolina and its roadway network.

**Reason for Objection:** The language should be revised to reflect the separate jurisdiction of the NMDOT and of the FHWA. This provisions should be rewritten as follows:

Written approval from the NMDOT will be obtained prior to the construction of improvements or expansion of State roads identified in the Level A submittal. NMDOT review and comment, in consultation with and accordance with FHWA guidelines, will also be required for any Level B plan requiring modifications or expansion to Interstate 40 facilities. NMDOT and FHWA approval will be obtained prior to the construction of modifications or expansion of Interstate 40 facilities.

11. **Condition #9** which provides that:

Prior to approval of any subsequent level planning document, the applicant shall, based on the approved ABCWUA development agreement, provide to the County a written explanation of the projected Master Plan water use and phasing and subsequent level plans within the context of the 2024 Water Conservation Plan Goal and Program Update (July 2013) or subsequent updates.

**Reason for Objection:** While Santolina is willing and prepared to submit information and status reports on Master Plan water use and planning, it should be within the context of the Water Authority plans, policies and goals, since it is the Water Authority that will be providing water and wastewater services to the Santolina development.

12. **That portion of Condition #14** which provides that:

Any changes to the types and general locations of open space or parks and recreation facilities other than neighborhood parks, as shown in the current draft of the Plan, shall require an amendment to the Plan.

and to that **portion of Condition #17** which provides that:

Changes to the Santolina Level A Plan, including but not limited to overall transportation, infrastructure, open space, and land use networks and configuration approved at Level A, will require approval by the Board of County Commissioners, as required by Section 19.5 of the County Zoning Ordinance.

and to that **portion of Condition #22(a)** which provides that:

Chapter 4, Zoning. p. 47, under Amendment Process: Remove the language "Substantial changes" and replace with "Amendments"; add that the process also applies to Level B and or Level C Plans.

**Reason for Objection:** Each of these provisions would require an amendment to the Level A Community Master Plan if there is any change proposed to what is provided in the Level A Community Master Plan in a subsequent Level B or Level C Plan. There will, of necessity, be many changes from what is approved in the Level A Community Master Plan as the process proceeds, with ever better definition of what is needed when and where. It will be unduly cumbersome, time consuming and burdensome for both the County and Santolina to require an amendment to the Level A Community Master Plan for every change, no matter how minor or insignificant. There should be some flexibility going forward, so long as subsequent actions are generally in accord with the purpose and intent set forth in the Level A Community Master Plan. This is consistent with the relevant provision of the Planned Community Criteria ("PCC"), set forth in the language describing the various plan levels and the interrelationship of the plan levels at page 35 of the PCC, which provides:

However, if the more detailed plan deviates significantly from the intent and framework established in the higher level plan, especially in terms of fiscal impacts, then the higher level plan would need to be amended.

It is, therefore, suggested that an actual amendment to the Level A Community Master Plan be required only if a change proposed in a Level B plan is a significant change, which deviates from the intent and framework established in the Level A Community Master Plan. The substitute language at Condition #17 should be as follows:

If the more detailed plan deviates significantly from the intent and framework established in the higher level plan, especially in terms of fiscal impacts, then the higher level plan would need to be amended.

13. **Condition #16** which provides that:

The developer will work cooperatively with APS to logically locate sites and (at APS's sole discretion) to secure long-term options for those sites at a mutually agreed to price. Any future schools in Santolina will be developed consistent with the no net expense provisions of the Planned Communities Criteria.

A Development Agreement shall be entered into between APS and the developer prior to any Level B submittal for Santolina.

**Reason for Objection:** The matters set forth as to Albuquerque Public Schools ("APS") are more appropriately the subject of accommodation and agreement by and between Santolina and APS, particularly, since it is not clear that APS will enter into a Development Agreement. In any event, the matter is more appropriately covered in Santolina proposed Condition #13 which provides that:

The developer will work cooperatively with APS to locate school sites within Santolina, which will be made available to APS on mutually agreeable terms and conditions.

14. That **portion of Condition #18** and that **portion of Condition #22(b)** that provide that no subdivision plats shall be granted until a Level B and Level C plan have been approved, and **Condition #19** which provides that only the boundary of the subject property shall be legally platted.

**Reason for Objection:** The PCC and the Bernalillo County Planned Community (PC) Zone provide guidelines for the development of planned communities, but do not dictate the platting procedure for planned communities at the Level A and Level B approval levels. It is at the Level C level that subdivision platting of lots and parcels is required (as needed) by the PCC and the PC Zone. However, it may be desirous and/or necessary for the landowner to subdivide or replat all or portions of the Santolina Master Plan Area after Level A approval, but prior to a Level C approval. The summary (minor) subdivision/replat procedures of the County should be applicable in such instances, because infrastructure can be tied to the subsequently required Level C plans and/or Level C subdivision plats. Accordingly, it would appear that the more appropriate language pertaining to platting is set forth in Santolina's revised proposed Condition #17, which provides for the platting of the Level A master plan boundary and subsequent platting, as follows:

Prior to or concurrent with the first Level B Plan approval, the subject Level A master planned property shall be legally platted (the "Boundary Plat"). A summary platting procedure, such as that allowed for 'a minor subdivision' under County ordinances, shall be permitted for the Boundary Plat, and for any subsequent platting actions prior to a Level C plan or a Level C subdivision plat approval. The Boundary Plat and any subsequent plats submitted in advance of a Level C plan or a Level C subdivision plat approval shall provide legal access (easements) to all existing and proposed tracts within the platted area, but infrastructure installation or guarantee shall not be required prior to Level C plan or Level C subdivision plat approval, because, before building permits can be granted or development can proceed, additional land use approvals and infrastructure installation and/or guarantees are required at the Level C Plan approval stage and/or at the Level C subdivision plat approval stage.





**County of Bernalillo**  
**State of New Mexico**

*Planning & Development Services*  
111 Union Square SE, Suite 100  
Albuquerque, New Mexico 87102  
Office (505) 314-0350  
[www.bernalillo.gov/scoring-building-and-planning](http://www.bernalillo.gov/scoring-building-and-planning)

**NOTIFICATION OF DECISION**  
**COUNTY PLANNING COMMISSION**

December 12, 2014

**COMMISSIONERS**

Debbie O'Malley, Chair  
District 1

Art De La Cruz, Vice Chair  
District 2

Jaggie Hart Stebbins, Member  
District 3

Lonnice C. Talbert, Member  
District 4

Wayne A. Johnson, Member  
District 5

**COUNTY MANAGER**

Tom Zdunek

**ELECTED OFFICIALS**

Tanya R. Giddings  
Assessor

Maggie Toulouse Oliver  
Clerk

Willow Misty Parks  
Probate Judge

Dan Houston  
Sheriff

Manny Ortiz  
Treasurer

Western Albuquerque Land Holdings, Youth Development, Inc.  
P. O. Box 56790  
Albuquerque, NM 87187

**SUBJECT: FILE NO: SPR-20130004**

**LEGAL DESCRIPTION:** Consensus Planning, agent for Western Albuquerque Land Holdings, Youth Development, Inc., and Central New Mexico Community College and Martin Eckert, agent for Albuquerque Public Schools is proposing a Planned Communities Level A Master Plan called the Santolina Master Plan. The plan area is generally bounded by Interstate 40 to the north, 118th Street and the escarpment open space to the east, the Pajarito Mesa on the south, and the escarpment area adjacent to the Rio Puerco Valley on the west, encompassing projected sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16 & 17, T9N, R1E and sections 6, 7, 8, 16, 17, & 18, T9N, R2E and sections 32, 33, 34, 35, & 36, T10N, R1E and sections 30 & 31, T9N, R2E, N.M.P.M., Town of Atrisco Grant, Albuquerque, Bernalillo County, New Mexico and containing and approximately 13,700 acres, generally zoned A-1 Rural Agricultural. (CONTINUED FROM THE OCTOBER 1, 2014 HEARING)

**ACTION: RECOMMEND TO THE BOARD OF COUNTY COMMISSIONER'S APPROVAL OF A PLANNED COMMUNITIES LEVEL A MASTER PLAN CALLED THE SANTOLINA MASTER PLAN**

**To Whom It May Concern:**

At the December 3, 2014 public hearing, the County Planning Commission approved the request for a Planned Communities Level A Master Plan called the Santolina Master Plan. The plan area is generally bounded by Interstate 40 to the north, 118th Street and the escarpment open space to the east, the Pajarito Mesa on the south, and the escarpment area adjacent to the Rio Puerco Valley on the west, encompassing projected sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16 & 17, T9N, R1E and sections 6, 7, 8, 16, 17, & 18, T9N, R2E and sections 32, 33, 34, 35, & 36, T10N, R1E and sections 30 & 31, T9N, R2E, N.M.P.M., Town of Atrisco Grant, Albuquerque, Bernalillo County, New Mexico and containing and approximately 13,700 acres, generally zoned A-1 Rural Agricultural.

**ATTACHMENT 4**

Page 1 of 14

The decision was based on the following Findings and is subject to the following Conditions.

Findings:

1. This is a request for a Planned Communities Level A Master Plan called the Santolina Master Plan. The plan area is generally bounded by Interstate 40 to the north, 118th Street and the escarpment open space to the east, the Pajarito Mesa on the south, and the escarpment area adjacent to the Rio Puerco Valley on the west, encompassing projected sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16 & 17, T9N, R1E and sections 6, 7, 8, 16, 17, & 18, T9N, R2E and sections 32, 33, 34, 35, & 36, T10N, R1E and sections 30 & 31, T9N, R2E, N.M.P.M., Town of Atrisco Grant, Albuquerque, Bernalillo County, New Mexico and containing and approximately 13,851 acres, generally zoned A-1 Rural Agricultural.
2. The request for approval of the Santolina Level A Master Plan has been submitted in conjunction with a request for a zone change for Planned Communities (PC) Zoning in accordance with Section 19.5 of the Bernalillo County Zoning Code (Planned Communities Zone) (CZ-20130009).
3. The Santolina development will take place within the next 40-50 years in accordance with the Level A Santolina Master Plan and subsequent Level B and Level C Plans. The Plan is responsive to the population and economic growth that is anticipated to occur in the Albuquerque Metropolitan Area by the Mid-Region Council of Governments.
4. The plan includes goals of providing for mixed land uses, a broad range of housing, employment, educational, and recreational opportunities in distinct residential village centers, industrial/business parks, parks and Open space, an urban center, a business park, and a town center with an open space network that provides connections to all portions of the development. The plan area will have a total build-out of approximately 38,045 dwelling units with concentrations that eventually will be high enough to support transit and extensive open space, parks, and trail networks. ~~The overall gross residential density of the Santolina Community shall not exceed 2.7 dwelling units per acre, as specified in the Level A Plan.~~ The overall gross residential density of the Santolina community shall not exceed 3.0 dwelling units per gross acre, as provided in the Comprehensive Plan, and as noted in the Level A Master Plan.
5. The Santolina Level A Master Plan is consistent with the Albuquerque/Bernalillo County Comprehensive Plan policies for the Reserve Area that call for substantial self-sufficiency and environmental sensitivity and development that is at no net cost to Bernalillo County.
6. The Santolina Level A Master Plan complies with the criteria found in the Planned Communities Criteria for Level A Master Plans for land use, transportation, environment and open space, and government and public services, in a manner that can serve as the basis for a Development Agreement between the County of Bernalillo and the applicant and for subsequent Level B and Level C Plans required for the development of the Santolina Community.

7. The Level A Development Agreement is being prepared for execution by the Board of County Commissioners and the Developer at the time of approval of the Level A Santolina Master Plan and Planned Communities Zoning to ensure compliance with the Level A Planned Communities Criteria and that the development will be at no net cost to Bernalillo County. Development agreements with other local governments are not required at this stage.
8. Section 19.5.A.2 PC Planned Communities Zone of the Zoning Code requires the Level A Development Agreement to govern the interim permissive and conditional uses until a Level B plan has been adopted. The area proposed for the Level A Santolina Planned Community currently has existing sites that contain Special Use Permits as approved and regulated by Section 18, Special Use Permits of the Zoning Code and potential sites for local and state economic development projects. The remaining portions of the Santolina boundary area is undeveloped and are expected to remain undeveloped until a Level B and Level C plan is adopted.
9. The proposed Santolina development is suited for approval as a planned community as a result of (1) a large contiguous tract of land primarily under a single ownership, (2) its location on the urban fringe with limited existing development or infrastructure and the potential to function as a self-sufficient community, (3) its proximity to existing suburban and urban areas, (4) its potential for a wide range of activities, land uses and housing types, (5) its opportunity for a network of community open space and recreation facilities, (6) its opportunity for an integrated multi-modal transportation network, and (7) its opportunity to provide a systematic and financially responsible provision of infrastructure and community facilities.
- ~~9.10. The Level A transportation and land use plans maintain a reasonable and important balance between residential uses and employment uses during the development timeframe for the property.~~
- ~~10. The Santolina Level A Transportation Plan and Land Use Plans recognize the importance of maintaining a reasonable balance between residential uses and employment uses throughout the development of the property. The jobs/housing balance is a critical component of the sustainability of Santolina.~~
11. The Santolina Level A Transportation Plan provides an acceptable transportation network that will adequately serve the proposed development, will connect to existing and proposed future roadways, and will be followed and further elaborated upon in subsequent Level B and Level C Planning.
12. A Santolina Level A Fiscal Impact Analysis and an Economic Impact Analysis have been prepared in conformity with the Level A Planned Communities Criteria and demonstrates substantial benefits to Bernalillo County. ~~However, there are no concrete assurances that market demand currently exists for the development.~~
13. The Santolina Level A Master Plan provides for a permanent open space buffer and an internal open space network consistent with the Planned Communities Criteria and with the

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Albuquerque/Bernalillo County Comprehensive Plan. Per the Planned Communities Criteria, Major Public Open Space (MPOS) has been distinguished from other 'Open Space,' ~~however the method of conveyance and proposed phasing of the conveyance of MPOS has not been identified, or included in the economic impact analysis and must be consistent with the policy of no net expense to the County.~~

~~14. The current version of the Level A Plan shows major arterials cutting through MPOS, which is not consistent with the purposes, policies, and uses for Major Public Open Space in the Comprehensive Plan or the Major Public Open Space Facility Plan. Several of the proposed roads on the east side of Santolina are consistent with the current draft of the Metropolitan Transportation Plan, and those proposed on the west side of Santolina are not.~~

~~15.14. The Santolina Level A Master Plan provides for a network of parks, recreation and open space facilities consistent with the Bernalillo County Parks, Open Space and Trails Master Plan. However, the current version of the economic analysis does not fully account for all the operational expenses of the proposed Parks and Open Space system at full build-out, including the costs of operating community centers, aquatic centers and the full cost of operating parks and open spaces, and therefore is not consistent with the policy of no net expense to the County. Also, in the current version of the Plan and corresponding fiscal analysis, the connection between phasing of development and the phasing of the conveyance and construction of appurtenant recreation and open space facilities is unclear, and therefore it is not possible to determine whether there will be sufficient funds from development to support the construction and operation of recreation facilities to support this development.~~

~~16.15. A Level 1 Archeological study has been conducted as required for a Level A Planned Communities Master Plan. More detailed investigations are required by the Planned Community Criteria for Level B and Level C plans, as well as by the Bernalillo County Subdivision Ordinance.~~

~~17.16. In accordance with the purpose and intent of its Water Conservation Ordinance to reduce per capita water use, encourage responsible use of water, and require conservation measures for new development and preserve water supplies within Bernalillo County, and in accordance with Policy L of the ABCWUAs Water Resource Management Strategy, the County has taken water supply availability and cumulative impacts into account in making a land use development decision and in determining the legal and physical availability of water for the Santolina Master Plan.~~

~~18.17. Through a letter dated 29 July 2014, ABCWUA has represented that they are capable of serving the master planned community, contingent upon the developer's ability to comply with ABCWUA current guidelines, policies, and ordinances, as amended from time to time. Through provision of the referenced letter and the associated representation by the ABCWUA, the applicant has demonstrated the physical and legal availability of water and wastewater as required in the Level A Planned Communities Criteria.~~

~~19.18. As represented by the applicant in Table A of applicant's 23 May 2014 memorandum which is included by the applicant in the 4 November 2014 revision to the Water Master Plan (page~~

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3), the estimated water use (or average day use), at ultimate buildout is estimated to be 14,380 ac-ft/yr and is to be provided by the ABCWUA under terms and conditions to be determined by the ABCWUA as part of its development agreement.

- | ~~20-19.~~ The Santolina Level A Master Plan includes an acceptable plan for drainage and stormwater management that is consistent with the natural environment and addresses the requirements of Bernalillo County, AMAFCA, and the ABCWUA.
- | ~~21. Bernalillo County has approximately \$450 million dollars in unfunded capital infrastructure facility needs currently in its 2014-2020 Capital Improvement Plan, and the financial impact of Santolina infrastructure development cannot add to this unfunded amount.~~
- | ~~22-20.~~ The proposed Santolina development is within the Albuquerque Public Schools (APS) district boundaries. The schools anticipated to be needed within the (over the next forty to fifty years) are not included in APS's current Facilities Master Plan, and APS has not approved any school sites or construction of any schools within the Santolina Plan Area.
- | ~~23-21.~~ The request for Level A Planned Community Zoning for Santolina is consistent with Resolution 116-86. It provides an overall development strategy and master plan for the approximately 13,851 acre site over the next 40 to 50 years that is intended to result in a cohesive, sustainable community with economic benefits to Bernalillo County.
- | ~~24-22.~~ The request is consistent with the health, safety, and general welfare of the residents of Bernalillo County.

Conditions:

**Development Agreement/No Net Expense Agreement**

- | 1. A Level A Development Agreement shall be entered into between Bernalillo County and the applicant which reflect this approval and ~~a) clearly identifies responsibilities for development of and infrastructure and other facilities in Santolina; b) requires a link between housing and employment development in Santolina; c)~~ maintains an overall residential density that is consistent with the Albuquerque/Bernalillo County Comprehensive Plan density requirements and is included in the Santolina Level A Plan, ~~;~~ ~~d) shall adhere to water use and conservation requirements of Bernalillo County and the Albuquerque/Bernalillo County Water Utility Authority.~~
- | 2. Bernalillo County and the applicant agree on the "no net expense" clause of the Planned Community Criteria ~~whereby the forthcoming Development Agreement shall explicitly state that Bernalillo County is not and never will be financially obligated to pay any net costs for any portion of future roadway, trail, sidewalk, landscaping, storm drainage, water and sewer, park and open space, fiber optic, natural gas, or electrical infrastructure within Santolina's plan boundaries.~~



### Jobs-housing

3. ~~The Santolina development shall achieve a reasonable balance between residential uses and employment uses such that it maintains the characteristics of a self-sustaining community. As stated in the Santolina Level A Master Plan, an approximate jobs to housing ratio of 2-1 shall be achieved with a goal of creating no less than 75,000 jobs as indicated in the Level A Santolina Plan at the time of full buildout of Santolina. A mechanism for ensuring the ratio shall be provided in subsequent Level B Plans, such that the anticipated job development shall occur in relation to residential development.~~ The development of the Project shall strive to achieve a reasonable balance between residential uses and employment uses such that Santolina maintains the characteristics of a self-sustaining community. Sufficient employment based land shall be made available to provide the opportunity to achieve an approximate jobs to housing ratio of 2-1 thereby creating no less than 75,000 jobs at the time of full buildout of Santolina. Subsequent Level B Plans shall provide appropriate methodology to evaluate interim progress in achieving this goal, such that land for job, commercial and urban development shall be available in the desired relation to residential development to the extent reasonably possible.

### Transportation

4. The applicant will revise the Transportation Master Plan of the Santolina Level A Master Plan prior to a Level B ~~submittal~~ approval, or future development activities such as ~~platting actions~~ or building permits, that generate 500 or more cumulative peak hour trips when upon coordination with the developer BCPWD deems it necessary. Items of revision shall include, but are not limited to, the following (these items shall also be addressed in the Santolina Level A Master Plan):
- ~~a. The language that clarifies that there shall be no net expense to the County regarding the funding of transportation improvements associated with the development of Santolina and the removal of all language that releases Santolina from constructing development driven improvements outside the Santolina boundaries must occur in the appropriate Level A document.~~
  - ~~b. Revise the language that clarifies how the job-to-housing ratio will be monitored, reported, and evaluated during the subsequent Level B submittals for Santolina as it pertains to traffic demands (see page 41). Jobs to housing data west of Rio Grande and outside Santolina can be considered in context, provided the data are not located within another master plan area.~~
  - ea. The *Santolina Access Management Plan (SAMP)* with the Traversable Median column added to Access Spacing Standards Table on Page 3 is approved. The SAMP shall be added to the Santolina Level 'A' Transportation Master Plan.
  - eb. Revise the Level A Transportation Network model as required by BCPWD. Revision/reanalysis shall include, but not be limited to, the 118<sup>th</sup> St./I-40 interchange, the new proposed arterial roadways, the new urban center layout, and any other changes to the Santolina roadway network. In accordance with PCC criteria, when substantial variations are identified to the Level A Master Plan, subsequent revision/reanalysis of the Level A Transportation Network model shall be required, when upon coordination with the developer, BCPWD deems it necessary.
  - ec. All appropriate items in the Addendum to the Transportation Master Plan dated November 4, 2014 shall be placed in the appropriate Level A document.

5. ~~Written approval from the NMDOT will be obtained prior to the improvement or expansion of State roads identified in the Level A submittal. NMDOT and FHWA (Federal Highway Administration) review and approval will also be required for any Level B plan defining any required modifications and improvements to Interstate 40 and to other state facilities as a result of the development of Santolina and its roadway network.~~ Written approval from the NMDOT will be obtained prior to the construction of improvements or expansion of State roads identified in the Level A submittal. NMDOT review and comment, in consultation with and accordance with FHWA guidelines, will also be required for any Level B plan requiring modifications or expansion to Interstate 40 facilities. NMDOT and FHWA approval will be obtained prior to the construction of modifications or expansion of Interstate 40 facilities ~~The approvals shall itemize financial obligations with participation and commitments spelled out.~~ The coordination of the timeframes for the offsite roadway improvements and the Plan phasing will also need to be identified.
6. Funding for arterial streets and linkages, which are needed for Santolina and not programmed in the Bernalillo County Capital Improvements Program (CIP) or the Metropolitan Transportation Plan (MTP), shall be identified and submitted to the County for recommendation for inclusion in the CIP or the MTP. ~~Any additional arterial streets and linkages or additional transportation capacity identified as part of any Level B analysis to be necessary to serve development of Santolina will be the financial responsibility of the developer.~~

#### Utilities/Drainage/Stormwater/Wastewater Management

7. The submitted Drainage (Stormwater) Master Plan, dated December 1, 2014, contains an addendum which includes minor inconsistencies within the calculations to the revised Land Use Master Plan. However, these inconsistencies do not alter the concept of the overall Drainage Master Plan and therefore are acceptable for this Level A Master Plan. The applicant must provide a Drainage (Stormwater) Master Plan consistent with the proposed Level A Master Plan with any Level B submittal.
8. Prior to approval of any subsequent level planning document, the applicant will provide a fully executed development agreement with the ABCWUA. ~~The development agreement shall be structured to ensure compliance with the ABCWUA's existing guidelines, policies, and ordinances and as may be amended from time to time. The development agreement will, at a minimum, address residential, industrial, institutional and commercial water conservation provisions, guidelines, and design standards needed to meet the water usage requirements stated in the 29 July 2014 ABCWUA letter. The development agreement will also, at a minimum, address infrastructure improvements, direct and indirect potable reuse, and water supply charges, as well as provide a Phasing Plan consistent with ABCWUA policies. The development agreement shall be structured to ensure that total projected water use at ultimate build out will not exceed 14,380 Ac Ft/Yr as indicated in Table A of applicants 23 May 2014 memorandum included in the 4 November 2014 revision to the Water Master Plan.~~ This condition shall in no way constrain the ABCWUA from imposing such requirements as it may further deem necessary.



9. ~~Prior to approval of any subsequent level planning document, the applicant shall, based on the approved ABCWUA development agreement, provide to the County a written explanation of the projected Master Plan water use and phasing and subsequent level plans within the context of the 2024 Water Conservation Plan Goal and Program Update (July 2013) or subsequent updates.~~
10. ~~Prior to approval of any subsequent level planning document, the applicant shall provide to the County a water conservation plan that is compliant with Bernalillo County and ABCWUA's guidelines, standards and requirements and which achieves the conservation goals expressed in the Bernalillo County Ordinance and ABCWUA's 2024 Water Conservation Plan Goal and Program Update, July 2013 and which requires compliance with subsequent revisions of the such guidelines, standards, requirements, and plans.~~
- ~~112.~~ Water and wastewater issues for the Santolina Master Planned Community shall be resolved between the Albuquerque/Bernalillo County Water Utility Authority (ABCWUA) and the applicant prior to any Level B approval. ~~An agreement between the applicant and ABCWUA and regarding timing, responsibilities, and maintenance of water and sewer facilities required to service Santolina will be developed and agreed upon prior to any Level B approval.~~
- ~~1210.~~ A drainage plan and stormwater management plan shall be submitted at the time of any Level B submittal with provisions for revision as needed to ensure consistency with any EPA-issued municipal separate stormwater system permit provisions or requirements as issued for the Urbanized Area of Bernalillo County.

#### Air Quality

- ~~1311.~~ Prior to any Level B Plan approval, the developer shall provide documentation that the proposed development will comply with Albuquerque/Bernalillo County Air Quality Standards and will demonstrate the intent to comply with air quality standards established by the Environmental Protection Agency (EPA).

#### Parks, Open Space and Trails, Archaeological Resources

- ~~1412.~~ Development of Parks, Trails, and Open Space shall comply with the Level A Master Plan. ~~Any changes to the types and general locations of open space or parks and recreation facilities other than neighborhood parks, as shown in the current draft of the Plan, shall require an amendment to the Plan. All capital and operational costs for proposed parks facilities, trails and the open space system shall be identified and included as part of the updated economic analysis prior to the conclusion of the Level A Development Agreement, consistent with the policy of no net expense. The basis for determining the operational costs will be the population of the unincorporated areas of the County, including Santolina, which is the source of service for the County. Any discrepancies in funding levels proposed for parks, recreation and open space facilities in Santolina identified after the approval of the Level A master plan and development agreement shall be addressed in subsequent Level B plans and development agreements. The subsequent Level B development agreements shall identify the method of conveyance and costs/funding of all recreation and open space facilities, as well as responsibilities for jurisdiction, replacement, maintenance, and operations, and these agreements shall also provide mechanisms for resolving issues related to~~



~~overlapping jurisdictions, e.g., stormwater management and public open space. The method of conveyance for Major Public Open Space and its phasing shall be identified and included in the Level A development agreement.~~

- ~~15~~13. The Planned Communities Criteria requirements regarding the study and mitigation of archaeological and geotechnical resources shall be followed in Level B and Level C Santolina Plans. Prior to any Level B approval, documentation regarding the completed study and mitigation measures within the Level B plan area shall be provided.

#### APS

- ~~16~~14. ~~The developer will work cooperatively with APS to logically locate sites and (at APS's sole discretion) to secure long term options for those sites at a mutually agreed to price. Any future schools in Santolina will be developed consistent with the no net expense provisions of the Planned Communities Criteria. A Development Agreement shall be entered into between APS and the developer prior to any Level 13 submittal for Santolina.~~ The developer will work cooperatively with APS to locate school sites within Santolina, which will be made available to APS on mutually agreeable terms and conditions.

- ~~17~~15. Level B and C Plans shall be required prior to development of the Santolina Level A Master Plan Community. Level B and C development agreements, as prescribed in the Planned Communities Criteria, shall be provided. Consistency between Level A, Level B, and Level C plans shall be required throughout the development of Santolina. ~~Changes to the Santolina Level A Plan, including but not limited to overall transportation, infrastructure, open space, and land use networks and configuration approved at Level A, will require approval by the Board of County Commissioners, as required by Section 19.5 of the County Zoning Ordinance.~~ If the more detailed plan deviates significantly from the intent and framework established in the higher level plan, especially in terms of fiscal impacts, then the higher level plan would need to be amended.

#### Development of Santolina and Plan Amendments

- ~~18~~16. The Santolina Development Agreement shall include a section that pertains to Interim Uses. This section shall indicate that all sites within the Santolina Level A boundary area governed by a Special Use Permit or any site expected to be developed with local, state and/or federal support shall be governed by Sections 18, Special Use Permits and Section 24, Administration of the Zoning Code until a Level B Plan, affecting such site, has been adopted by Bernalillo County. No building permits ~~or subdivision plats (except for the boundary of the subject property)~~ shall be granted on all remaining sites until a Level B and Level C plan affecting the subject property have been approved. No special use permit shall be issued without a demonstration of available necessary infrastructure and utilities, including water, electricity and sewer, to be installed before, or concurrently with, development of the site.
- ~~19. Prior to Level B Plan or Zoning submittals, the boundary of subject property shall be legally platted.~~

~~2017.~~ 17. Prior to or concurrent with the first Level B Plan approval, the subject Level A master planned property shall be legally platted (the "Boundary Plat"). A summary platting procedure, such as that allowed for 'a minor subdivision' under County ordinances, shall be permitted for the Boundary Plat, and for any subsequent platting actions prior to a Level C plan or a Level C subdivision plat approval. The Boundary Plat and any subsequent plats submitted in advance of a Level C plan or a Level C subdivision plat approval shall provide legal access (easements) to all existing and proposed tracts within the platted area, but infrastructure installation or guarantee shall not be required prior to Level C plan or Level C subdivision plat approval, because, before building permits can be granted or development can proceed, additional land use approvals and infrastructure installation and/or guarantees are required at the Level C Plan approval stage and/or at the Level C subdivision plat approval stage.

18. Minor corrections to the plan, such as typographical and grammatical corrections, editorial changes agreed to by County staff, or small changes to acreage related to surveying may be incorporated in the final, adopted version of the plan.

~~2419.~~ 19. The request shall comply with all applicable Bernalillo County ordinances and standards.

~~2220.~~ 20. Prior to the Board of County Commissioner's hearing the applicant shall make the following modifications to the Level A Plan (dated 12/1/14) as required by staff and agencies:

- ~~a) Chapter 4, Zoning, p. 47, under Amendment Process: Remove the language "Substantial changes" and replace with "Amendments"; add that the process also applies to Level B and or Level C Plans.~~
- ~~b)a)~~ a) Chapter 4, Zoning, p. 47. Add the following sentence under Level A Governance and Interim Uses (after ..Bernalillo County..) "No building permits ~~or subdivision~~ plats shall be granted on all remaining sites until a Level B and Level C plan affecting the subject have been adopted."
- ~~e)b)~~ b) Change the language "publicly funded" on page 92 to "proposed for public funding."
- ~~d)c)~~ c) Chapter 6, Transportation, Level A Master Plan on page 95: remove the sentence "The policy supersedes other policies that may be in place for roadways within Santolina" regarding the SAMP, and remove "(by others)" regarding the extension of Gibson Boulevard.
- ~~e)d)~~ d) Exhibit 1 must be corrected to indicate that the Estrella Development has not been approved by Bernalillo County; a portion of the area shown on the map has been approved for development under the Westland Master Plan.

If you wish to appeal this decision, you must do so by 12:00 noon on December 29, 2014 in the manner described below. A filing fee of \$75.00 is required for properties consisting of one (1) acre or less, and \$100.00 is required for all others.

**APPEALS:** Appeal of any denial or approval of an application by the County Planning Commission may be submitted in writing to the office of the Zoning Director within 15 days after the date of the notice of decision by the County Planning Commission.

The date of the notice of decision in question shall not be included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday, the next working day shall be considered as the deadline for filing the appeal.

A building permit or Certificate of Occupancy & Compliance shall not be issued until any appeal is decided, or the time for filing such appeal has expired.

**WRITTEN NOTICE OF APPEAL SHALL BE FILED WITH THE ZONING DIRECTOR ON THE PRESCRIBED FORM ALONG WITH PAYMENT OF THE REQUIRED FILING FEE.**

If you have any questions, please feel free to contact me directly at 314-0385.

Sincerely,

Enrico Gradi  
Community Development Manager

EG/fs

cc: File

Kevin Grovet, Public Works  
Christi L. Tanner, Public Works  
Consensus Planning, 302 8th St NW, Albuquerque, NM 87102  
Albuquerque Public Schools, Brad Winter, P.O. Box 25704, Albuquerque, NM 87125  
Melinda Taber, USDOT/FAA,  
Real Estate and Utilities Group, ASW-53, 2601 Meacham Blvd., FT. Worth, TX 76137  
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Alicia Kassa, 5609 Kimberlite Dr. NW, Albuquerque, NM 87120  
Richard Austin, 8423 Mendocino, Dr. NE, Albuquerque, NM 87122  
Rod Mohoney, 1838 Sadora Rd. SW, Albuquerque, NM 87105  
Andrew Gingench, MRCOG, 809 Copper Ave, NW, Albuquerque, NM 87102  
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 Jay Phelan, 545 Shirk Ln. SW, Albuquerque, NM 87105  
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 Lauro Silva, 5005 5th St SW, Albuquerque, NM 87105  
 Pat McCraw, 3301-R Coors #296, Albuquerque, NM 87121  
 Jerome Padilla, 3408 Calle Facio NW, Albuquerque, NM 87104  
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 James Santiago Maestas, 5734 Evans Rd. SW, Albuquerque, NM 87105  
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 Jorge Garica, 1212 Montos Pl. SW, Albuquerque, NM 87105  
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#### **ATTACHMENT 4**



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Isaac Benton, One Civic Plaza, Albuquerque, NM 87102  
Alan Reed, 3105 DouQuixote Ct. NW, Albuquerque, NM 87102  
Camilla Feibelman, 524 Dartmouth Pl. SE, Albuquerque, NM 87106  
Luther C. Garcia, 7904 Coors Blvd. SW, Albuquerque, NM 87121  
Rob Leutheuser, 1550 Yakima SW, Albuquerque, NM 87105  
Roxanne Allen, 1004 Manzano Ct. NW, Albuquerque, NM 87102

#### **ATTACHMENT 4**

Alexandrs, Snyder, 1902 Conita Real SW, Albuquerque, NM 87105  
David Vogel, 601 Aliso Dr. SE, Albuquerque, NM 87105  
Fernando Ortega and Lucinda Johnson, 1210 Bareles Rd. SW, Albuquerque, NM 87102  
Greg Tucker and Carol Cooperrider, 1915 Lakeview SW, Albuquerque, NM 87105  
Carol Bennson, 1749 Miracerros Pl. NE, Albuquerque, NM 87106  
Kelly O'Donnell, 1473 W Ella Dr. Corrales, NM 87048  
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**COUNTY PLANNING COMMISSION ADOPTED FINDINGS AND CONDITIONS  
AS MODIFIED BY SANTOLINA PROPOSED REVISIONS**

**December 18, 2014**

**FINDINGS**

1. This is a request for a Planned Communities Level A Master Plan called the Santolina Master Plan. The plan area is generally bounded by Interstate 40 to the north, 118th Street and the escarpment open space to the east, the Pajarito Mesa on the south, and the escarpment area adjacent to the Rio Puerco Valley on the west, encompassing projected sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16 & 17, T9N, RI E and sections 6, 7, 8, 16, 17, & 18, T9N, R2E and sections 32, 33, 34, 35, & 36, T10N, R1E and sections 30 & 31, T9N, R2E, N.M.P.M., Town of Atrisco Grant, Albuquerque, Bernalillo County, New Mexico and containing and approximately 13,851 acres, generally zoned A-1 Rural Agricultural.
2. The request for approval of the Santolina Level A Master Plan has been submitted in conjunction with a request for a zone change for Planned Communities (PC) Zoning in accordance with Section 19.5 of the Bernalillo County Zoning Code (Planned Communities Zone) (CZ-20130009).
3. The Santolina development will take place within the next 40-50 years in accordance with the Level A Santolina Master Plan and subsequent Level B and Level C Plans. The Plan is responsive to the population and economic growth that is anticipated to occur in the Albuquerque Metropolitan Area by the Mid-Region Council of Governments.
4. The plan includes goals of providing for mixed land uses, a broad range of housing, employment, educational, and recreational opportunities in distinct residential village centers, industrial/business parks, parks and Open space, an urban center, a business park, and a town center with an open space network that provides connections to all portions of the development. The plan area will have a total build-out of approximately 38,045, dwelling units with concentrations that eventually will be high enough to support transit and extensive open space, parks, and trail networks. The overall gross residential density of the Santolina community shall not exceed 3.0 dwelling units per gross acre, as provided in the Comprehensive Plan, and as noted in the Level A Master Plan.
5. The Santolina Level A Master Plan is consistent with the Albuquerque/Bernalillo County Comprehensive Plan policies for the Reserve Area that call for substantial self-sufficiency and environmental sensitivity and development that is at no net cost to Bernalillo County.
6. The Santolina Level A Master Plan complies with the criteria found in the Planned Communities Criteria for Level A Master Plans for land use, transportation, environment and open space, and government and public services, in a manner that can serve as the basis for a Development Agreement between the County of Bernalillo and the applicant and for subsequent Level B and Level C Plans required for the development of the Santolina Community.

**ATTACHMENT 5**

7. The Level A Development Agreement is being prepared for execution by the Board of County Commissioners and the Developer at the time of approval of the Level A Santolina Master Plan and Planned Communities Zoning to ensure compliance with the Level A Planned Communities Criteria and that the development will be at no net cost to Bernalillo County. Development agreements with other local governments are not required at this stage.
8. Section 19.5.A.2 PC Planned Communities Zone of the Zoning Code requires the Level A Development Agreement to govern the interim permissive and conditional uses until a Level B plan has been adopted. The area proposed for the Level A Santolina Planned Community currently has existing sites that contain Special Use Permits as approved and regulated by Section 18, Special Use Permits of the Zoning Code and potential sites for local and state economic development projects. The remaining portions of the Santolina boundary area is undeveloped and are expected to remain undeveloped until a Level B and Level C plan is adopted.
9. The proposed Santolina development is suited for approval as a planned community as a result of (1) a large contiguous tract of land primarily under a single ownership, (2) its location on the urban fringe with limited existing development or infrastructure and the potential to function as a self-sufficient community, (3) its proximity to existing suburban and urban areas, (4) its potential for a wide range of activities, land uses and housing types, (5) its opportunity for a network of community open space and recreation facilities, (6) its opportunity for an integrated multi-modal transportation network, and (7) its opportunity to provide a systematic and financially responsible provision of infrastructure and community facilities.
10. The Level A transportation and land use plans maintain a reasonable and important balance between residential uses and employment uses during the development timeframe for the property.
11. The Santolina Level A Transportation Plan provides an acceptable transportation network that will adequately serve the proposed development, will connect to existing and proposed future roadways, and will be followed and further elaborated upon in subsequent Level B and Level C Planning.
12. A Santolina Level A Fiscal Impact Analysis and an Economic Impact Analysis have been prepared in conformity with the Level A Planned Communities Criteria and demonstrates substantial benefits to Bernalillo County.
13. The Santolina Level A Master Plan provides for a permanent open space buffer and an internal open space network consistent with the Planned Communities Criteria and with the Albuquerque/Bernalillo County Comprehensive Plan. Per the Planned Communities Criteria, Major Public Open Space (MPOS) has been distinguished from other 'Open Space'.
14. The Santolina Level A Master Plan provides for a network of parks, recreation and open space facilities consistent with the Bernalillo County Parks, Open Space and Trails Master Plan.



15. A Level 1 Archeological study has been conducted as required for a Level A Planned Communities Master Plan. More detailed investigations are required by the Planned Community Criteria for Level B and Level C plans, as well as by the Bernalillo County Subdivision Ordinance.
16. In accordance with the purpose and intent of its Water Conservation Ordinance to reduce per capita water use, encourage responsible use of water, and require conservation measures for new development and preserve water supplies within Bernalillo County, and in accordance with Policy L of the ABCWUA's Water Resource Management Strategy, the County has taken water supply availability and cumulative impacts into account in making a land use development decision and in determining the legal and physical availability of water for the Santolina Master Plan.
17. Through a letter dated 29 July 2014, ABCWUA has represented that they are capable of serving the master planned community, contingent upon the developer's ability to comply with ABCWUA current guidelines, policies, and ordinances, as amended from time to time. Through provision of the referenced letter and the associated representation by the ABCWUA, the applicant has demonstrated the physical and legal availability of water and wastewater as required in the Level A Planned Communities Criteria.
18. As represented by the applicant in Table A of applicant's 23 May 2014 memorandum which is included by the applicant in the 4 November 2014 revision to the Water Master Plan (page 3), the estimated water use (or average day use), at ultimate buildout is estimated to be 14,380 ac-ft/yr and is to be provided by the ABCWUA under terms and conditions to be determined by the ABCWUA as part of its development agreement.
19. The Santolina Level A Master Plan includes an acceptable plan for drainage and stormwater management that is consistent with the natural environment and addresses the requirements of Bernalillo County, AMAFCA, and the ABCWUA.
20. The proposed Santolina development is within the Albuquerque Public Schools (APS) district boundaries. The schools anticipated to be needed within the (over the next forty to fifty years) are not included in APS's current Facilities Master Plan, and APS has not approved any school sites or construction of any schools within the Santolina Plan Area.
21. The request for Level A Planned Community Zoning for Santolina is consistent with Resolution 116-86. It provides an overall development strategy and master plan for the approximately 13,851 acre site over the next 40 to 50 years that is intended to result in a cohesive, sustainable community with economic benefits to Bernalillo County.
22. The request is consistent with the health, safety, and general welfare of the residents of Bernalillo County.

## CONDITIONS

1. A Level A Development Agreement shall be entered into between Bernalillo County and the applicant which reflect this approval and maintains an overall residential density that is consistent with the Albuquerque/Bernalillo County Comprehensive Plan density requirements and is included in the Santolina Level A Plan.
2. Bernalillo County and the applicant agree on the "no net expense" clause of the Planned Community Criteria.

### **Jobs-housing**

3. The development of the Project shall strive to achieve a reasonable balance between residential uses and employment uses such that Santolina maintains the characteristics of a self-sustaining community. Sufficient employment based land shall be made available to provide the opportunity to achieve an approximate jobs to housing ratio of 2-1 thereby creating no less than 75,000 jobs at the time of full buildout of Santolina. Subsequent Level B Plans shall provide appropriate methodology to evaluate interim progress in achieving this goal, such that land for job, commercial and urban development shall be available in the desired relation to residential development to the extent reasonably possible.

### **Transportation**

4. The applicant will revise the Transportation Master Plan of the Santolina Level A Master Plan prior to a Level B approval, or future development activities such as building permits, that generate 500 or more cumulative peak hour trips when upon coordination with the developer BCPWD deems it necessary. Items of revision shall include, but are not limited to, the following (these items shall also be addressed in the Santolina Level A Master Plan):
  - a. The *Santolina Access Management Plan (SAMP)* with the Traversable Median column added to Access Spacing Standards Table on Page 3 is approved. The SAMP shall be added to the Santolina Level 'A' Transportation Master Plan.
  - b. Revise the Level A Transportation Network model as required by BCPWD. Revision/reanalysis shall include, but not be limited to, the 118<sup>th</sup> St./I-40 interchange, the new proposed arterial roadways, the new urban center layout, and any other changes to the Santolina roadway network. In accordance with PCC criteria, when substantial variations are identified to the Level A Master Plan, subsequent revision/reanalysis of the Level A Transportation Network model shall be required, when upon coordination with the developer, BCPWD deems it necessary.
  - c. All appropriate items in the Addendum to the Transportation Master Plan dated November 4, 2014 shall be placed in the appropriate Level A document.
5. Written approval from the NMDOT will be obtained prior to the construction of improvements or expansion of State roads identified in the Level A submittal. NMDOT review and comment, in consultation with and accordance with FHWA guidelines, will also be required for any Level B plan requiring modifications or expansion to Interstate 40 facilities. NMDOT and FHWA approval will be obtained prior to the construction of

modifications or expansion of Interstate 40 facilities The coordination of the timeframes for the offsite roadway improvements and the Plan phasing will also need to be identified.

6. Funding for arterial streets and linkages, which are needed for Santolina and not programmed in the Bernalillo County Capital Improvements Program (CIP) or the Metropolitan Transportation Plan (MTP), shall be identified and submitted to the County for recommendation for inclusion in the CIP or the MTP.

#### **Utilities/Drainage/Stormwater/Wastewater Management**

7. The submitted Drainage (Stormwater) Master Plan, dated December 1, 2014, contains an addendum which includes minor inconsistencies within the calculations to the revised Land Use Master Plan. However, these inconsistencies do not alter the concept of the overall Drainage Master Plan and therefore are acceptable for this Level A Master Plan. The applicant must provide a Drainage (Stormwater) Master Plan consistent with the proposed Level A Master Plan with any Level B submittal.
8. Prior to approval of any subsequent level planning document, the applicant will provide a fully executed development agreement with the ABCWUA. This condition shall in no way constrain the ABCWUA from imposing such requirements as it may further deem necessary.
9. Water and wastewater issues for the Santolina Master Planned Community shall be resolved between the Albuquerque/Bernalillo County Water Utility Authority (ABCWUA) and the applicant prior to any Level B approval.
10. A drainage plan and stormwater management plan shall be submitted at the time of any Level B submittal with provisions for revision as needed to ensure consistency with any EPA-issued municipal separate stormwater system permit provisions or requirements as issued for the Urbanized Area of Bernalillo County.

#### **Air Quality**

11. Prior to any Level B Plan approval, the developer shall provide documentation that the proposed development will comply with Albuquerque/Bernalillo County Air Quality Standards and will demonstrate the intent to comply with air quality standards established by the Environmental Protection Agency (EPA).

#### **Parks, Open Space and Trails, Archaeological Resources**

12. Development of Parks, Trails, and Open Space shall comply with the Level A Master Plan.
13. The Planned Communities Criteria requirements regarding the study and mitigation of archaeological and geotechnical resources shall be followed in Level B and Level C Santolina Plans. Prior to any Level B approval, documentation regarding the completed study and mitigation measures within the Level B plan area shall be provided.

#### **APS**

14. The developer will work cooperatively with APS to locate school sites within Santolina, which will be made available to APS on mutually agreeable terms and conditions.

15. Level B and C Plans shall be required prior to development of the Santolina Level A Master Plan Community. Level B and C development agreements, as prescribed in the Planned Communities Criteria, shall be provided. Consistency between Level A, Level B, and Level C plans shall be required throughout the development of Santolina. If the more detailed plan deviates significantly from the intent and framework established in the higher level plan, especially in terms of fiscal impacts, then the higher level plan would need to be amended.

**Development of Santolina and Plan Amendments**

16. The Santolina Development Agreement shall include a section that pertains to Interim Uses. This section shall indicate that all sites within the Santolina Level A boundary area governed by a Special Use Permit or any site expected to be developed with local, state and/or federal support shall be governed by Sections 18, Special Use Permits and Section 24, Administration of the Zoning Code until a Level B Plan, affecting such site, has been adopted by Bernalillo County. No building permits shall be granted on all remaining sites until a Level B and Level C plan affecting the subject property have been approved. No special use permit shall be issued without a demonstration of available necessary infrastructure and utilities, including water, electricity and sewer, to be installed before, or concurrently with, development of the site.
17. Prior to or concurrent with the first Level B Plan approval, the subject Level A master planned property shall be legally platted (the "Boundary Plat"). A summary platting procedure, such as that allowed for 'a minor subdivision' under County ordinances, shall be permitted for the Boundary Plat, and for any subsequent platting actions prior to a Level C plan or a Level C subdivision plat approval. The Boundary Plat and any subsequent plats submitted in advance of a Level C plan or a Level C subdivision plat approval shall provide legal access (easements) to all existing and proposed tracts within the platted area, but infrastructure installation or guarantee shall not be required prior to Level C plan or Level C subdivision plat approval, because, before building permits can be granted or development can proceed, additional land use approvals and infrastructure installation and/or guarantees are required at the Level C Plan approval stage and/or at the Level C subdivision plat approval stage.
18. Minor corrections to the plan, such as typographical and grammatical corrections, editorial changes agreed to by County staff, or small changes to acreage related to surveying may be incorporated in the final, adopted version of the plan.
19. The request shall comply with all applicable Bernalillo County ordinances and standards.
20. Prior to the Board of County Commissioner's hearing the applicant shall make the following modifications to the Level A Plan (dated 12/1/14) as required by staff and agencies:
- a) Chapter 4. Zoning, p. 47. Add the following sentence under Level A Governance and Interim Uses (after ..Bernalillo County..) "No building permits shall be granted on all remaining sites until a Level B and Level C plan affecting the subject have been adopted."
  - b) Change the language "publicly funded" on page 92 to "proposed for public funding."
  - c) Chapter 6, Transportation, Level A Master Plan on page 95: remove the sentence "The policy supersedes other policies that may be in place for roadways within Santolina"

regarding the SAMP, and remove "(by others)" regarding the extension of Gibson Boulevard.

- d) Exhibit 1 must be corrected to indicate that the Estrella Development has not been approved by Bernalillo County; a portion of the area shown on the map has been approved for development under the Westland Master Plan.

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December 18, 2014

**Via Hand Delivery**

Bernalillo County Commission  
c/o Bernalillo County Planning Department  
111 Union Square SE, Suite 100  
Albuquerque, NM 87102

**Re: Western Albuquerque Land Holdings LLC  
SPR-20130004 and CZ-20130009 / Bernalillo County Planning Commission  
Recommendation to the Bernalillo County Commission of Approval of the Santolina  
Level A Community Master Plan and Related Planned Communities (PC) Zoning  
Adopted on December 3, 2014**

Gentlemen:

As you know, Western Albuquerque Land Holdings LLC has filed its appeal pertaining to the above-referenced matter prior to 12:00 noon today. Please let us know if you are in receipt of any other appeals pertaining to the Bernalillo County Planning Commission approval of the Santolina Level A Community Master Plan, or the related Planned Communities zone approval filed at or before 12:00 noon today.

We expect that no appeals of the referenced matters will be accepted after 12:00 noon today, given that the Bernalillo County Zoning Ordinance provides that an appeal to the Bernalillo County Commission of a Bernalillo County Planning Commission decision must be filed by noon on the 15th day (December 18, 2014) following the date of determination (in this case, December 3, 2014).

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

Bernalillo County Commission  
c/o Bernalillo County Planning Department  
December 18, 2014  
Page 2

We look forward to hearing from you at your earliest convenience.

Sincerely,

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By:

  
John P. Salazar

JPS:dv

cc: Western Albuquerque Land Holdings LLC